



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

50

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,060	04/26/2000	John Richard Bergan	156-102	9604

7590 04/19/2005

Donald W Marks
3137 Mount Vernon Avenue
Alexandria, VA 22305

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,060

Applicant(s)

BERGAN, JOHN RICHARD

Examiner

Baoquoc N To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-4 are amended and claims 13-14 are newly added in the amendment filed on 11/23/2004. Claims 10-11 Claims 1, 3, 4-5, 7, 9-11 and 13-14 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrino et al. (US. Patent No. 6,149,441).

Regarding on claim 1, Pellegrino teaches a data checking system for determining if necessary files and data have been entered into a computerized management educational system having a database containing a plurality of files and data, the system comprising:

An item list defining possible data including lesson plan information in the computerized management system (lessons) (col. 15, lines 60-63);

Means for displaying the list and for enabling the user to select one or more items in the item list as necessary for the management system (the subject field 342 includes a pull down menu the user can use to selected different subject area (e.g., Astronomy) provided on the menu...and teacher field 348 for searching for lessons based on the title, selected key word, or the name of the teacher, respectively) (col. 15, lines 66-67 to col. 16, lines 1-8);

Means for enabling a user to request a search of the data base for the selected items (the results of a typical lesson search are shown in FIG. 21. a list 352 of lesson that meet the search terms is provided. The list 352 of lesson that meet the search terms is provided. The list 352 includes each lesson's subject, title, teacher, and grade level information) (col. 16, lines 8-11); and

Means responsive to a request to search the data base for the selected items for conducting an inspection for the management system data base to determine the presence or absence of the selected items including lesson plans and for reporting the results of the conducted inspection (clicking one of the "Student Page" button 359 shown in FIG. 21 provides for the teacher a preview of the lesson page presented to the student when he or she accesses that lesson via the browser program on the client computer 21) (col. 16, lines 28-31).

Claim 4 is rejected under the same reason as claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 7, 9-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al. (US. Patent No. 6,149,441) in view of Ho et al. (US. Patent No. 6,685,478 B2).

Regarding on claim 3, teaches a data checking system for determining if necessary files and data have been entered into a computer management educational system having a data base containing a plurality of files and data, the system comprising:

An item list defining possible data in the computerized management system (lessons) (col. 15, lines 60-63);

Means for displaying the list and for enabling the user to select one or more items in the item list as necessary for the management system (the subject field 342 includes a pull down menu the user can use to selected different subject area (e.g., Astronomy) provided on the menu...and teacher field 348 for searching for lessons based on the title, selected key word, or the name of the teacher, respectively) (col. 15, lines 66-67 to col. 16, lines 1-8);

Means for enabling a user to request a search of the data base for the selected items (the results of a typical lesson search are shown in FIG. 21. a list 352 of lesson

Art Unit: 2162

that meet the search terms is provided. The list 352 of lesson that meet the search terms is provided. The list 352 includes each lesson's subject, title, teacher, and grade level information) (col. 16, lines 8-11); and

Means responsive to a request to search the data base for the selected items for conducting an inspection of the management system data base to determine the presence or absence of the selected items and for reporting the results of the conducted inspections (clicking one of the "Student Page" button 359 shown in FIG. 21 provides for the teacher a preview of the lesson page presented to the student when he or she accesses that lesson via the browser program on the client computer 21) (col. 16, lines 28-31). Pellegrino does not explicitly teach the item list includes child development areas and the inspection conducting means determines the presence or absence of child accomplishment in the selected developmental areas. However, Ho suggests "a computerized method for managing learning activities, the method comprising: tracking a learning activity of a student, becoming a ware of the student's understanding area; creating a report corresponding to at least some of the tracked learning activity..." (col. 18, lines 3-8). This suggest the student learning activities are track and evaluate. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Pellegrino's system to include the method of managing the student activity and tracking the student progresses as taught by Ho in order to provide allow the user to monitor each of the student learning progress.

Claims 13-14 are rejected under the same reason as claim 3, wherein child development is the same ethnicity in the concept.

Regarding on claim 5, Pellegrino does not explicitly teach the items list includes child developmental area and the checking determines the presence or absence of child accomplishment in the selected developmental areas. However, Ho suggests "a computerized method for managing learning activities, the method comprising: tracking a learning activity of a student, becoming a ware of the student's understanding area; creating a report corresponding to at least some of the tracked learning activity..." (col. 18, lines 3-8). This suggests the student learning processes are tracked and evaluated, then report to the system. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Pellegrino's system to include the method of managing the student activity and tracking the student progresses as taught by Ho in order to allow the user to monitor each of the student learning progress.

5. Claims 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al. (US. Patent No. 6,149,441) in view of Ho et al. (US. Patent No. 6,685,478 B2) and further in view of Doak et al. (US. Patent No. 5,864,869)

Regarding on claims 7 and 9 -11, Pellegrino does not explicitly teach a data checking system as defined in claim 1 wherein one of the selected items of the possible data include a data and further comprising: means for setting a selected period of one or more days, said inspection conducting means determining the presence of the one selected item having a date within the selected period. However, Doak teaches "with the collection of data and dates provided by the user and generated by the software, a

Art Unit: 2162

variety of complimentary reports have been designed within the application and are available to the user for further classroom instruction management, administrative reporting needs and overall time saving for the user” (col. 5, lines 26-30). This suggests the software be able to determine the task completion by running report which similar concept of checking presence of absence of lesson plan. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Pellegrino's system to include running the report to identify the task completion as the same as checking the presence or absence of the lesson plans as taught by Doak in order to provide user with pre-selected time report based on the inspection processes.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2162

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

April 14, 2005

A handwritten signature in black ink, appearing to be 'B. To', with a large, sweeping flourish extending from the end of the signature.